

Notes

¹ This is a compilation of the *Electoral Act 1907* and includes the amendments made by the other written laws referred to in the following table ^{1a}.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Electoral Act 1907</i>	27 of 1907	20 Dec 1907	1 Mar 1908 (see s. 2)
<i>Electoral Act Amendment Act 1911</i>	44 of 1911	16 Feb 1911	1 May 1911 (see s. 1)
<i>Electoral Act Amendment Act 1912</i>	56 of 1912 (Repealed by No. 5 of 1918, s.6)	30 Dec 1912	30 Dec 1912
<i>Electoral Act Amendment Act 1918</i>	5 of 1918 (as amended by No. 59 of 1919, s.6)	18 Mar 1918	18 Mar 1918
<i>Electoral Amendment Act 1919</i>	59 of 1919	17 Dec 1919	17 Dec 1919
<i>Electoral Act Amendment Act 1921</i>	7 of 1921	26 Oct 1921	26 Oct 1921
<i>Electoral Act Amendment Act 1931</i>	38 of 1931	3 Dec 1931	3 Dec 1931
<i>Electoral Act Amendment Act 1934</i>	39 of 1934	4 Jan 1935	4 Jan 1935
<i>Electoral Act Amendment Act 1936</i>	10 of 1936	3 Dec 1936	3 Dec 1936
<i>Electoral Act Amendment Act 1940</i>	18 of 1940	29 Nov 1940	29 Nov 1940
<i>Electoral Act Amendment Act (No. 3) 1940</i>	47 of 1940	30 Dec 1940	30 Dec 1940
<i>Electoral Act Amendment Act 1948</i>	63 of 1948	21 Jan 1949	27 May 1949 (see s. 1 and Gazette 27 May 1949 p. 1133)
<i>Electoral Act Amendment Act 1949</i>	26 of 1949	22 Oct 1949	22 Oct 1949
<i>Electoral Act Amendment Act 1951</i>	58 of 1951	7 Jan 1952	7 Jan 1952
<i>Electoral Act Amendment Act 1952</i>	57 of 1952	23 Dec 1952	23 Dec 1952
<i>Electoral Act Amendment Act (No. 2) 1953</i>	34 of 1953	18 Dec 1953	18 Dec 1953
<i>Electoral Act Amendment Act (No. 2) 1957</i>	53 of 1957	6 Dec 1957	14 Feb 1958 (see s. 2 and Gazette 14 Feb 1958 p. 244)
<i>Electoral Act Amendment Act (No. 3) 1959</i>	59 of 1959	3 Dec 1959	15 Jan 1960 (see s. 2 and Gazette 15 Jan 1960 p. 35)
<i>Electoral Act Amendment Act 1962</i>	51 of 1962	20 Nov 1962	20 Nov 1962

Short title	Number and year	Assent	Commencement
<i>Electoral Act Amendment Act 1964</i>	33 of 1964	3 Nov 1964	31 Dec 1964 (see s. 2 and <i>Gazette</i> 24 Dec 1964 p. 4094)
<i>Electoral Act Amendment Act (No. 3) 1964</i>	68 of 1964	4 Dec 1964	31 Dec 1964 (see s. 2 and <i>Gazette</i> 24 Dec 1964 p. 4094)
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Sections 4 to 9: 14 Feb 1966 (see s. 2); balance: 21 Dec 1965
<i>Electoral Act Amendment Act 1967</i>	33 of 1967	17 Nov 1967	24 Nov 1967 (see s. 2 and <i>Gazette</i> 24 Nov 1967 p. 3195)
<i>Electoral Act Amendment Act 1970</i>	28 of 1970	20 May 1970	1 Nov 1970 (see s. 2 and <i>Gazette</i> 30 Oct 1970 p. 3343)
<i>Electoral Act Amendment Act (No. 2) 1970</i>	94 of 1970	30 Nov 1970	5 Dec 1970 (see s. 2 and <i>Gazette</i> 4 Dec 1970 p. 3705)
<i>Metric Conversion Act 1972</i> (The Schedule to Act No. 94 of 1972 was redesignated as the First Schedule by No. 19 of 1973)	94 of 1972	4 Dec 1972	The relevant amendments, as set out in the First Schedule, took effect on 1 Jan 1974 (see s. 4(2) and <i>Gazette</i> 7 Dec 1973 p. 4490)
<i>Electoral Act Amendment Act (No. 2) 1973</i>	70 of 1973	6 Dec 1973	1 Jan 1974 (see s. 2 and <i>Gazette</i> 28 Dec 1973 p. 4725)
<i>Electoral Act Amendment Act (No. 2) 1976</i>	129 of 1976	9 Dec 1976	9 Dec 1976
<i>Electoral Act Amendment Act (No. 2) 1979</i>	39 of 1979	25 Oct 1979	23 Nov 1979 (see s. 2 and <i>Gazette</i> 23 Nov 1979 p. 3635)
<i>Acts Amendment (Master, Supreme Court) Act 1979, Part XI</i>	67 of 1979	21 Nov 1979	11 Feb 1980 (see s. 2 and <i>Gazette</i> 8 Feb 1980 p. 383)
<i>Electoral Amendment Act 1980</i>	52 of 1980	19 Nov 1980	19 Nov 1980
<i>Electoral Amendment Act 1982</i>	31 of 1982	27 May 1982	11 Oct 1982 (see s. 2 and <i>Gazette</i> 10 Sep 1982 p. 3637)
<i>Electoral Amendment Act (No. 2) 1982</i>	123 of 1982	10 Dec 1982	10 December 1982
<i>Electoral Amendment Act 1983</i>	9 of 1983	29 Sep 1983	Sections 1 to 4 and 6 to 28 proclaimed 1 Nov 1983 (see s. 2 and <i>Gazette</i> 14 Oct 1983 p. 4147); section 5: 7 Oct 1983 (see s. 2 and <i>Gazette</i> 7 Oct 1983 p. 4066); Part III (sections 29 to 31): 26 Jan 1984 (see s. 2 and <i>Gazette</i> 18 Nov 1983 p.4559)
<i>Electoral Amendment Act (No. 2) 1983</i>	54 of 1983	13 Dec 1983	13 Dec 1983
<i>Electoral Amendment Act (No. 3) 1983</i>	66 of 1983	22 Dec 1983	26 Jan 1984 (see s. 2 and <i>Gazette</i> 20 Jan 1984 p. 119)

Short title	Number and year	Assent	Commencement
<i>Health Legislation Amendment Act 1984,</i> Part VI	28 of 1984	31 May 1984	1 Jul 1984 (see s. 2 and <i>Gazette</i> 15 Jun 1984 p. 1629)
<i>Electoral Amendment Act 1984</i>	76 of 1984	26 Nov 1984	24 Dec 1984 (see s. 2 and <i>Gazette</i> 21 Dec 1984 p. 4173)
<i>Acts Amendment and Repeal (Disqualification for Parliament) Act 1984,</i> Part VII	78 of 1984	14 Nov 1984	1 Jul 1985 (see s. 2 and <i>Gazette</i> 17 May 1985 p. 1671)
<i>Electoral Amendment Act (No. 2) 1985</i>	104 of 1985	7 Dec 1985	1 May 1987 (see s. 3 of Act No. 1 of 1987 and Commonwealth Special <i>Gazette</i> 68 of 1987)
<i>Acts Amendment (Electoral Reform) Act 1987,</i> Part IV	40 of 1987	12 Jul 1987	30 Oct 1987 (see s. 2 and <i>Gazette</i> 30 Oct 1987 p. 3977)
<i>Electoral (Procedures) Amendment Act 1987</i>	79 of 1987	1 Dec 1987	16 Feb 1988 (see s. 2 and <i>Gazette</i> 16 Feb 1988 p. 477)
<i>Electoral Amendment Act 1988</i>	20 of 1988	9 Sep 1988	9 Sep 1988
<i>Electoral Amendment Act (No. 2) 1988</i>	58 of 1988	8 Dec 1988	27 Jan 1989 (see s. 2 and <i>Gazette</i> 27 Jan 1989 p. 264)
<i>Guardianship and Administration Act 1990,</i> section 123 (item 6 of Schedule 4)	24 of 1990	7 Sep 1990	20 Oct 1992 (see s. 2 and <i>Gazette</i> 2 Oct 1992 p. 4811)
<i>Electoral Amendment Act 1990</i>	66 of 1990	17 Dec 1990	14 Jan 1991
<i>Criminal Law Amendment Act (No. 2) 1992,</i> section 16(4)	51 of 1992	9 Dec 1992	6 Jan 1993
<i>Electoral Amendment (Political Finance) Act 1992</i> ^{1a}	75 of 1992 (as amended by Act No. 43 of 1996, Part 3)	16 Dec 1992	Act, other than sections 5 and 6 proclaimed 9 Nov 1996 (see s. 2 and <i>Gazette</i> 8 Nov 1996 p. 6265); sections 5 and 6: to be proclaimed ^{1a}
<i>Financial Administration Legislation Amendment Act 1993,</i> Part 4	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Acts Amendment (Ministry of Justice) Act 1993,</i> Part 8 ⁷	31 of 1993	15 Dec 1993	1 Jul 1993 (see s. 2)

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Public Sector Management) Act 1994,</i> section 11	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Sentencing (Consequential Provisions) Act 1995,</i> Part 26 and section 147	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Local Government (Consequential Amendments) Act 1996,</i> section 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Electoral Legislation Amendment Act 1996,</i> Part 2	43 of 1996	16 Oct 1996	9 Nov 1996 (see s. 2(2) and <i>Gazette</i> 8 Nov 1996 p. 6265)
<i>Financial Legislation Amendment Act 1996,</i> section 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Mental Health (Consequential Provisions) Act 1996,</i> Part 6	69 of 1996	13 Nov 1996	13 Nov 1997 (see s. 2)
<i>Equal Opportunity Amendment Act (No. 3) 1997,</i> section 8	42 of 1997	9 Dec 1997	6 Jan 1998 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998,</i> section 76	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
<i>Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Act 1998,</i> section 11	40 of 1998	30 Oct 1998	14 Apr 1999 (see s. 2 and <i>Gazette</i> 9 Apr 1999 p. 1433.)
<i>Statutes (Repeals and Minor Amendments) Act 2000,</i> section 50	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)
<i>Electoral Amendment Act 2000</i> ⁸	36 of 2000	10 Oct 2000	Section 28 and Part 5: 11 Nov 2000 (see s. 2 and <i>Gazette</i> 10 Nov 2000 p. 6193); balance: 21 Oct 2000 (see s. 2 and <i>Gazette</i> 20 Oct 2000 p. 5899)
<i>Corporations (Consequential Amendments) Act 2001</i> s. 220	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and <i>Gazette</i> 29 Jun 2001 p. 3257 and Cwlth <i>Gazette</i> 13 Jul 2001 No. S285)

Short title	Number and year	Assent	Commencement
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> s. 56	50 of 2003	9 Jul 2003	15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445)
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 47	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Criminal Code Amendment Act 2004</i> s. 58	4 of 2004	23 Apr 2004	21 May 2004 (see s. 2)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> s. 468 ¹³	55 of 2004	24 Nov 2004	24 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 80 and 82	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
<i>Electoral Amendment and Repeal Act 2005</i> Pt. 2	1 of 2005	20 May 2005	20 May 2005 (see s. 2)
<i>Constitution and Electoral Amendment Act 2005</i> s. 4	2 of 2005	23 May 2005	23 May 2005 (see s. 2)

1a On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and are not included in this compilation. For the text of the provisions see the endnote referred to after the short title.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Electoral Amendment (Political Finance) Act 1992</i> s. 5 and 6 ⁹	75 of 1992	16 Dec 1992	To be proc. (see s. 2)
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> s. 75 ¹⁰	43 of 2000	2 Nov 2000	To be proc. (see s. 2(2))
<i>Children and Community Services Act 2004</i> s. 251 ¹¹	34 of 2004	20 Oct 2004	To be proclaimed (see s. 2)

NB. The *Electoral Act 1907* was affected by the *Franchise Act 1916*, the *Parliament (Qualification of Women) Act 1920*, the *Electoral (Ballot Paper Forms) Regulations 1990* (see *Gazette* 27 April 1990 pp.2063-8) and the *Electoral (Ballot*

Paper Forms) Amendment Regulations 1992 (see Gazette 16 October 1992 pp.5519-20).

2 Section 19(2) of the *Acts Amendment (Electoral Reform) Act 1987* (No. 40 of 1987) reads as follows —

- “
- (2) References to the Chief Electoral Officer in any written law shall, unless because of the context it would be inappropriate so to do, be read and construed as references to the Electoral Commissioner.
- ”

3 Section 21(2) of the *Acts Amendment (Electoral Reform) Act 1987* (No. 40 of 1987) reads as follows —

- “
- (2) A Registrar or Returning Officer holding office immediately before the commencement of this Act shall, on and from that commencement, be deemed to have been appointed by the Electoral Commissioner.
- ”

4 In this compilation the renumbering of sections effected in the 1943 reprint (in Volume 2 of the Reprinted Acts of the Parliament of Western Australia) and retained in subsequent reprints has again been retained. References to the original numbering are contained in the 1943 reprint.

5 Under section 112(1) of the *Public Sector Management Act 1994* (No. 31 of 1994), a reference to the *Public Service Act 1978* is to be read as a reference to the *Public Sector Management Act 1994*.

6 Now see the *Interpretation Act 1984* (No 12 of 1984).

7 Part 19 of the *Acts Amendment (Ministry of Justice) Act 1993* (No. 31 of 1993) reads as follows —

Part 19 — Savings and Transitional

68. Savings

If this Act is not passed until after 1 July 1993, anything done after that day but before this Act is passed that would have been in accordance with law if this Act had not come into operation but as a result of the coming into operation of this Act is contrary to law, is deemed to be in accordance with law.

69. Transitional

Unless the contrary intention appears, a reference, however expressed, in any law or document to the former Department of Corrective Services or Crown Law Department, the chief executive officer of either of those departments, or an office or organisational unit within either of those departments, is to be read as a reference to the Ministry of Justice, the chief executive officer of the Ministry of Justice, or the corresponding office or unit within the Ministry of Justice, as is appropriate.

8

Section 81(2) of the *Electoral Amendment Act 2000* (No. 36 of 2000) reads as follows —

“

- (2) The repeal of Schedule 3 does not affect the operation of the *Electoral (Ballot Paper Forms) Regulations 1990*.

”

9

On the date as at which this compilation was prepared, the *Electoral Amendment (Political Finance) Act 1992* s. 5 and 6 had not come into operation. They read:

“

5. Section 191B inserted

After section 191A of the principal Act the following section is inserted —

“

191B. Certain government publications prohibited during elections

- (1) During the relevant period in relation to an election an officer of a public agency shall not —
- (a) print, publish or distribute any matter; or
 - (b) cause, permit or authorize any matter to be printed, published or distributed,

for or on behalf of the government or a government authority.

Penalty: A fine not exceeding \$1 000 or imprisonment for a period not exceeding 6 months, or both.

- (2) Subsection (1) does not apply in relation to exempt matter.
- (3) In this section —

“exempt matter” means —

- (a) a written law or proposed written law;
- (b) matter directly relating to warnings of impending natural disasters or military or civil disorders;
- (c) matter relating to measures (including relief measures) take to deal with —
 - (i) natural disasters or military or civil disorders; and
 - (ii) the consequences of the disasters or disorders;
- (d) matter provided by the authorities responsible for the conduct of an election including material relating to the procedures and polling places for

the election and the promotion of participation in the election;

- (e) an advertisement of goods and services offered for sale by or on behalf of the government or a government authority other than an advertisement containing a political reference;
- (f) an advertisement —
 - (i) relating to a vacant position; or
 - (ii) calling for expressions of interest in appointment to a public office;
- (g) an advertisement calling for tenders;
- (h) an announcement relating to any public inquiry or public hearing conducted under a law of the State, the Commonwealth, another State or a Territory; or
- (i) a notice or announcement required to be printed, published or distributed by or under a law of the State, the Commonwealth, another State or a Territory other than a prescribed notice or announcement;

“government authority” means —

- (a) a department of the Public Service or an organization specified in column 2 of the Schedule to the *Public Service Act 1978*; or
- (b) another authority or body (whether incorporated or not) that is established for a public purpose by the State, regardless of the way it is established;

“officer” of a public agency includes —

- (a) a member of the public agency;
- (b) the principal officer of the public agency; and
- (c) any person employed in, by, or for the purposes of, the public agency;

“public agency” has the same meaning as it has in Part VI;

“political reference” means material comprising an express or implied reference to, or comment on —

- (a) an election or an election that might be held in the future;
- (b) the government or the opposition or a previous government or opposition;

- (c) a member of the Council or the Assembly;
- (d) a political party;
- (e) a candidate or group in an election; or
- (f) an issue that is recognized, or is likely to become recognized, as an issue to be considered by electors in an election;

“**relevant period**” means —

- (a) a period that commences 3 years 6 months from the date of a general election and which expires at 6 pm on the day of polling for the next succeeding general election; or
- (b) where the Legislative Assembly is dissolved before it has existed 3 years 6 months, a period that commences at the expiry of the day on which writs are issued for the general election immediately following the dissolution and expires at 6 pm on the day of polling for the general election; and
- (c) in the case of a by-election means a period that commences at the expiry of the day upon which the vacancy leading to the by-election occurs and expires at 6 pm on the day of polling for that by-election.

”.

6. Section 191C inserted

After section 191B of the principal Act (as inserted by this Act) the following section is inserted —

“

191C. Travel entitlements during election period

- (1) A member of Parliament shall not undertake any prescribed air travel at the expense of the State during the relevant period in relation to an election.
- (2) Notwithstanding subsection (1) and the *Salaries and Allowances Act 1975* —
 - (a) the Premier and the Leader of the Opposition in the Legislative Assembly may undertake travel by air on official business at the expense of the State during the relevant period;
 - (b) the entitlements of the Premier under paragraph (a) may also be exercised by one member of Parliament nominated by the Premier;

- (c) the entitlements of the Leader of the Opposition in the Legislative Assembly under paragraph (a) may also be exercised by one member of Parliament nominated by the Leader of the Opposition.
- (3) Travel under subsection (2) shall be by scheduled airline services unless there is no scheduled service operating at a reasonably convenient time in which case a charter service may be used.
- (4) If a day is fixed as the polling day for 2 or more elections, only one nomination may be made under each of paragraphs (b) and (c) of subsection (2) and a nomination so made has effect for each of the elections.
- (5) Notice of a nomination under subsection (2)(b) or (c) shall be given to the Electoral Commissioner.
- (6) A member of the Assembly who ceases to be a member of the Assembly by reason of its dissolution or its expiry by effluxion of time is to be regarded for the purposes of this section as continuing to be a member of the Assembly until the end of the relevant period.
- (7) This section does not apply to travel at the expense of the State under arrangements made under section 11A(1) of the *Salaries and Allowances Act 1975* but this subsection does not affect the power of the Treasurer to make a determination under section 11A(5) of that Act.
- (8) In this section —
- “**electorate**”, in relation to a member of Parliament, means the region or district which that member represents;
- “**prescribed air travel**” means travel by air to, from or within the region or district in which the election is to be held but does not include —
- (a) travel by a Minister of the Crown to respond to an emergency or disaster where the presence of the Minister is necessary or desirable;
- (b) travel by any member of Parliament in the course of a journey to or from a destination outside the State on official Government or parliamentary business;
- (c) travel by any member of Parliament between the member’s principal residence, or the member’s electorate,

and the metropolitan area of Perth for the purpose of attending —

- (i) a meeting of the member's parliamentary political party; or
- (ii) an official Government, parliamentary or vice regal function;

or

- (d) travel by any member of Parliament to, from and within the member's electorate on parliamentary or electorate business;

“**relevant period**” has the same meaning as it has in section 191A.

”

”

10 On the date as at which this compilation was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 75 had not come into operation. It reads:

“

75. Various provisions repealed

The provisions listed in the Table to this section are repealed.

Table of provisions repealed

Act	Provision
.....
<i>Electoral Act 1907</i>	s. 5E(2)
.....

”

11 On the date as at which this compilation was prepared, the *Children and Community Services Act 2004* s. 251, which gives effect to Sch. 2 cl. 8, had not come into operation. It reads as follows:

“

251. Other Acts amended

Other Acts are amended as set out in Schedule 2.

”

Schedule 2 cl. 8 reads as follows:

“

Schedule 2 — Amendments to other Acts

[s. 251]

8. *Electoral Act 1907* amended

- (1) The amendment in this clause is to the *Electoral Act 1907*.
- (2) Section 18(c) is amended by deleting “or the *Child Welfare Act 1947*”.

”

12 Footnote no longer applicable.

13 The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 5*, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.